

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KEN WIWA, et al.,

Plaintiffs,

-against-

ROYAL DUTCH PETROLEUM CO., et al.,

Defendants.
-----X

96 Civ. 8386 (KMW) (HBP)

KEN WIWA, et al.,

Plaintiffs,

-against-

BRIAN ANDERSON,

Defendant.
-----X

01 Civ. 1909 (KMW) (HBP)

ESTHER KIOBEL, et al.,

Plaintiffs,

-against-

ROYAL DUTCH PETROLEUM CO., et al.,

Defendants.
-----X

02 Civ. 7618 (KMW) (HBP)

ORDER

KIMBA M. WOOD, U.S.D.J.:

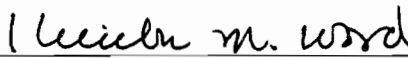
The Court orders briefing in the above-captioned actions on the subject of (1) whether Shell Petroleum Development Company ("SPDC") is an agent of Defendants Royal Dutch Petroleum Company and/or "Shell" Transport and Trading Company, p.l.c. ("Defendants"); and (2) whether SPDC and the Nigerian military

are coconspirators,¹ pursuant to Federal Rule of Evidence 801(d)(2)(D) and (E) respectively, such that statements by SPDC employees and/or the Nigerian military are admissible against Defendants as party-opponent admissions.

No later than 5:00 p.m. Tuesday, May 26, 2009, Plaintiffs shall submit a memorandum of law, not to exceed 10 pages, setting forth their position on this issue. No later than 5:00 p.m. Wednesday, May 27, 2009, Defendants shall submit a responsive memorandum of law, not to exceed 10 pages. No later than Thursday, May 28, 2009, Plaintiffs shall submit a reply memorandum of law, not to exceed 6 pages.

SO ORDERED.

Dated: New York, New York
May 22, 2009



Kimba M. Wood
United States District Judge

¹ To the extent that Plaintiffs seek to introduce statements of Nigerian officials other than members of Nigeria's military as party-opponent admissions under Rule 801(d)(2)(E), the parties should also brief the subject of whether SPDC and the Nigerian government are coconspirators for Rule 801(d)(2)(E) purposes.